IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3767 of 1999

Between:

1 A.Chinaniah S/o.Pakeraiah
Near Luthern Church Srisailam Project
Kurnool Dist.
2 K.Gangi Reddy S/o.Venkateswara Reddy
R/o.H.No.BF/6,APSEB quarters Srisailam Project
Kurnool Dist.
3 A.Subba Rao S/o.Nagaiah
C/o.K.V.Reddy,H.No.BG/8,APSEB quarters Srisailam Project
Kurnool Dist.
4 Y.Ch.Mallikarjuna S/o.Venkateswarlu
C/o.Srilasree Book Binding Works,Main Bazar Srisailam Project
Kurnool Dist.
5 R.Yesaiah S/o.Yacob
H.No.BHEL/27 Srisailam Project
Kurnool Dist.
6 D.V.S.S.Pavan Kumar C/o.Venkateswarulu
APSEB quarters Srisailam Project
Kurnool Dist.

..... PETITIONERS

AND

1 The Chief Engineer (Electrical), Operation and Maintenance
Srisailam Project A.P.GENCO
Kurnool Dist.
2 The Superintendent Engineer Operation and Maintenance Circle
Srisailam H.E. Scheme AP Generation Corporation Srisailam Project
Kurnool Dist.
3 The Assistant Engineer (Telecom) T.V.Room
Srisailam, H.E.Scheme, Srisailam Project. A.P.GENCO

Kurnoot Dist.

4 J.K.Consultants rep.by its Prop:A.L.Narayana
Old Liberty Buildings Basheerbagh
Hyderabad.

5 K.Harinarayana
S.L.M.P, Srisailam Project, A.P.Genco
Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Writ or Direction more particularly one in the nature of Mandamus declaring the action of the 1st respondent in rejecting the claim of the petitioners for absorption in A.P.S.E.B on the ground that the petitioners are not working on 18-5-1997 by his proceedings issued in Lr.No.CEE/O&M/SLD Unit/ADM/C1/F.CL/D.No.610, dt.1-7-1998 is illegal, arbitrary and unconstitutional and consequently direct the respondents to absorb the petitioners in APSEB as per BP (P&G Per) Ms.No.36 dt.18-5-1997 with all benefits forthwith.

Counsel for the Petitioners: MR.M.L.ALI

Counsel for the Respondents: SMT.URMILA

(SC FOR A.P.S.E.B.)

The Court made the following :

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ORDER:

This writ petition is filed seeking a mandamus to declare the action of the first respondent in rejecting the claim of the petitioners for absorption in A.P.S.E.B. on the ground that the petitioners are not working as on 18-05-1997 by the impugned proceedings as arbitrary and illegal. A detailed counter-affidavit has been filed by the respondents stating that the petitioners were not on the rolls as on 18-05-1997 as required under BPMS No.36 or 37, dated 18-05-1997. Therefore, his case was rejected by an order dated 01-07-1998.

Now, the learned Counsel for the petitioners filed an affidavit stating that similarly placed daily wage workers are being considered for regular appointments, whereas the case of the petitioners is not being considered for the simple reason that this writ petition is pending before this Court.

Without going into the merits of the case, in view of the submissions made by the learned counsel for the petitioners, the respondents are directed to consider the case of the petitioners if they are otherwise eligible as per law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Dated 07-06-2005.

SKMR

..... REGISTRAR

Copy to:

1 The Chief Engineer (Electrical), Operation and Maintenance
Srisailam Project A.P.GENCO
Kurnool Dist.
2 The Superintendent Engineer Operation and Maintenance Circle
Srisailam H.E. Scheme AP Generation Corporation Srisailam Project
Kurnool Dist.
3 The Assistant Engineer (Telecom) T.V.Room
Srisailam, H.E.Scheme, Srisailam Project. A.P.GENCO
Kurnoot Dist.
4 A.L.Narayana, Proprietor, J.K.Consultants, Old Liberty Buildings

Basheerbagh, Hyderabad.
5 K.Harinarayana
S.L.M.P, Srisailam Project, A.P.Genco
Kurnool Dist.

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